HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 17468 of 2007

Dated 20th August 2007

Between:

Pullakuri Nagamani D/o.Devadanam,
Jammidornal Village,
Dornal Mandal, Prakasam District.

.....Petitioner

and

The Joint Collector (Civil Supplies),
Prakasam District, Ongole and others.

.....Respondents.

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 17468 of 2007

ORDER:

The petitioner is the authorized dealer of Fair Price Shop of Jammidornal Village, Dornal Mandal, Prakasam District.

Her authorization was cancelled by the 2nd respondent by an order dated 7-6-2007. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent. The said appeal was dismissed by order dated 23.7.2007, which is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned Counsel for the petitioner vehemently contended that the impugned order dismissing the Appeal at the admission stage without issuing any notice to the petitioner and without assigning any reasons is arbitrary and illegal apart from being violative of the principles of

natural justice.

The operative portion of the impugned order may be extracted hereunder:-

> *"After careful examination of the matter this Court feels that the disciplinary authority has given affordable opportunity to the appellant and finalised the disciplinary proceedings after conducting proper enquiry on the allegations framed against the Appellant and also examining the facts and circumstances. The Appellant has also not made out sufficient grounds to interfere with the orders passed by the Revenue Divisional Officer, Markapur. Hence, the appeal and stay petition are dismissed at admission stage."*

On the face of it, the impugned order is devoid of reasons and it is also clear that there was no notice to the parties.

The law is well settled that the failure of the quasi judicial authority to assign the reasons is one of the grounds for judicial review under Article 226 of the Constitution of India since the same results in violation of the principles of natural justice. In the circumstances, the impugned order is liable to the set aside on that ground alone.

Accordingly, the impugned order is set aside and the writ petition is disposed of with a direction to the 1st respondent to consider the appeal of the petitioner afresh and pass appropriate orders in accordance with law. No

costs.

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(G.ROHINI, J)

Dated: 20th August 2007

Issue CC in two days.

(B/O)

mrb